

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

SERITAGE SRC FINANCE, LLC,  
Plaintiff,

v.

PAINTED TREE SAN ANTONIO, LLC and  
PAINTED TREE MARKETPLACE, LLC  
Defendants.

Civil Action No. 5:21-CV-00133-JKP

**ALTERNATIVE DISPUTE RESOLUTION REPORT**

Plaintiff Seritage SRC Finance, LLC (“Seritage”) and Defendants Painted Tree San Antonio, LLC and Painted Tree Marketplace, LLC (collectively, “Painted Tree” and with Seritage, the “Parties”) make the following report in accordance with the Court’s Scheduling Order signed and entered on May 12, 2021 and the Local Court Rule CV-88. The Parties would respectfully show the Court as follows:

**1. METHOD OF ALTERNATIVE DISPUTE RESOLUTION**

The Parties agree upon mediation.

**2. ALTERNATIVE DISPUTE RESOLUTION PROVIDER**

The Parties agree upon the following mediator:

Donald R. Philbin, Jr.  
P.O. Box 12367  
San Antonio, Texas 78212-0367

Due to the ongoing Covid-19 global pandemic and recognizing the recent rise in the Delta Variant of Covid-19, the Parties agree to conduct the mediation remotely.

**3. METHOD OF COMPENSATING PROVIDER**

The Parties agree to split the mediator’s fee evenly.

**4. DATE FOR COMPLETING ALTERNATIVE DISPUTE RESOLUTION**

The Parties believe that a mediation deadline of April 1, 2022 would be appropriate for this case.

Dated: August 27, 2021

Respectfully submitted,

/s/ Ian R. Phillips

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**CERTIFICATE OF SERVICE**

This is to certify that on August 27, 2021, a true and correct copy of the foregoing Alternative Dispute Resolution Report has been served in a manner consistent with the Federal Rules of Civil Procedure upon Defendants Painted Tree San Antonio, LLC, and Painted Tree Marketplace, LLC, by and through their counsel of record, as follows:

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